

Waiver Request

#02-6

Applicant: BIE Central Office/Department of the Interior

Entity Number: 21973

Funding Year 2018

Contact Information:

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Applicant Information:

BIE Central Office/Department of the Interior

Entity Number: 21973

Application Number: FCC Form 471 #181041842

Purpose of Waiver:

Funding Year 2018 FCC Form 471 certified outside of application window.

Due to extenuating circumstances, the BIE Central Office/Department of the Interior is seeking a waiver on the Form 471 filing window deadline for funding year 2018. As a result of major issues with our "bulk upload" in funding year 2017, we made the decision to manually enter all the data for our wide area network (WAN). This includes individual schools, districts and large internet gateways across 23 states (73 FRNs). Once all the data was in the form and all the FRNs were complete, we moved on to the "Review FCC Form 471" which once complete, generated 7 errors. After several attempts to rectify these errors on our own we called the USAC Client Services Bureau to open a case. Case #231622 was opened and we worked with a specific member of USAC Technical Support Staff, Morgan, until after the 11:59 PM filing deadline and in to March 23, 2018; regretfully, beyond the filing window. Morgan did notate in the Case file that the issues with our 471 which prevented us from certifying within the filing window were "due to an unresolved system issue" with the USAC portal.

We would like to acknowledge and commend Morgan in specific and the rest of the USAC technical support in general for their patience and commitment to assisting in resolving this problem. They took the time to try and resolve the issue with the system with in the window. While that goal was not accomplished it was not for a lack of effort. Their support was commendable and should be recognized.

The following morning on March 23, 2018, we followed Morgan's instructions and once again tried to certify our application; unfortunately, several errors were generated. Morgan worked very closely with us throughout the day to try to resolve the errors so we could certify our form, ultimately to no avail. The final solution was to create a completely new form 471, using only one of our individual schools and total all MRCs and NRCs under that one FRN, knowing we would have to file a waiver and create a detailed RAL to itemize all 73 schools, districts and gateways. On March 23, 2018, one day after the filing window closed, FCC Form 471 # 181041842 was certified.

Circumstances to Consider

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- The entity acted appropriately and in good faith, for over 24 hours working with the USAC Client Services Bureau trying to get the initial application certified, when due to a system error, that would not be possible.
- FCC Form 471 # 181041842 was certified on March 23, 2018
- Past FCC Erate rulings approving waivers of this nature (14-day ruling)

Past FCC Ruling:

FCC

DA 12-1469

The Order and Order on Reconsideration reviewed 39 requests from petitioners seeking review of decisions made by USAC under the Erate program. These petitioners were seeking waivers on the Form 471 filing window deadline. The requests were granted for those schools within 14 days after the filing window deadline. Justification was cited on past FCC Rules specifically File Nos. SLD-487009, et al., CC Docket No. 02-6, Order, 25 FCC Rcd 9256 (2010) (Academy of Math and Science Order) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline or filed their Form 471 on time, but failed to timely file their certifications); Also, the following order or docket #: CC Docket NO. 02-6, Order, 26 FCC red 354.

This request is made by the Billed Entity for an Out-Of-Window Waiver to be granted. Your favorable consideration in this matter is greatly appreciated. Please feel free to contact us at any time should you have questions or need additional information.

Thank you

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